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Administration of justice at the United Nations

Programme budget for the biennium 2006-2007

Report of the Redesign Panel on the United Nations system of administration of justice

Report of the Secretary-General

Revised estimates relating to the programme budget for the biennium 2006-2007 and the proposed programme budget for the biennium 2008-2009 pursuant to General Assembly resolution 61/261

Summary

As requested by the General Assembly in its resolution 61/261, the Secretary-General hereby submits his proposals on the resources required for the implementation of that resolution.

The additional resources for the bienniums 2006-2007 and 2008-2009 are requested to ensure that the current system of administration of justice functions properly and to provide for clearance of the existing backlog at all stages of the system. The additional resources for the biennium 2006-2007 are estimated at $1.9 million, with a further $6.8 million required for the proposed programme budget for the biennium 2008-2009.

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I. Introduction

1. In its resolution 61/261, the General Assembly welcomed the report of the Redesign Panel on the United Nations system of administration of justice (A/61/205) and the related note of the Secretary-General (A/61/758) and decided, in principle, to establish a new, independent, transparent, professionalized, adequately resourced and decentralized system of administration of justice. The new system is to be implemented by no later than January 2009. The General Assembly has submitted multiple requests for additional information to be provided by the Secretary-General for consideration at the main part of its sixty-second session. The additional information includes a comprehensive request for resource requirements for the new system. In addition, and as a matter of priority, the General Assembly also requested the Secretary-General to submit a report on the resources required for the implementation of resolution 61/261 for consideration at the second part of its resumed sixty-first session. The present report is submitted in response to that request.

II. Areas covered in the present report

2. The present report specifically addresses the requirements arising from paragraphs 30 and 31 of resolution 61/261, in which Member States urged the Secretary-General to continue his efforts to ensure the proper functioning of the current system to comply with the time limits of the existing appeals process and to clear the existing backlog of cases at all stages. Furthermore, in paragraph 13 of resolution 61/261, the General Assembly specifically requested the Secretary-General to identify three posts for the Office of the Ombudsman for Geneva, Vienna and Nairobi, and paragraph 1*c* reflects the Assembly's decision to formally establish a new Mediation Division within the Office of the Ombudsman.

3. In addition, the Secretary-General is proposing an interim arrangement for the specific purpose of ensuring that the necessary preparatory work and steps are properly undertaken in advance of the new system becoming operational.

III. Clearing of backlog and pending cases before January 2009

4. The full introduction of the new system by January 2009 will impose increased pressures at all stages of the existing system to handle expeditiously the current caseload and the backlog of cases. Therefore, the present report includes modest requests for supplementary resources in the Administrative Law Unit, where requests for review, appeals and disciplinary cases are first filed; in the secretariats of the Joint Appeals Board and the Joint Disciplinary Committees, both in New York and away from Headquarters; in the Executive Office of the Secretary-General, pertaining to the formulation of decisions on appeal; and at the final stage, in the Secretariat of the United Nations Administrative Tribunal. In addition, it is recognized that workload increases at all those stages in the interim period will impose a commensurate increased burden on the Panel of Counsel and the related office that supports it.

5. Furthermore, prior experience indicates that the provision of supplementary (temporary) resources for one or two stages in the system does have a positive impact on the numbers of cases handled and the size of the backlog at that particular stage. However, it also has the effect of exacerbating backlogs and bottlenecks at subsequent stages for which a commensurate level of supplementary assistance was not received. This appears to be the principal reason for the increasing backlog at the level of the United Nations Administrative Tribunal. Therefore, the requests contained in the present report are based on the existing system, from start to finish, and addresses both the need to increase output at all levels and backlogs wherever they occur. The request for resources is also based on an assessment of underlying caseload statistics and the impact of previous efforts to reduce or eliminate backlogs.

6. The question of transition to the new system and the need for cut-off and/or transitional measures still requires further development. As indicated by the Redesign Panel itself, the statute establishing the United Nations Dispute Tribunal will need to address this matter in some detail. The Panel indicated that the Joint Appeals Boards and Joint Disciplinary Committees could proceed with all matters that are current and all those that are filed until the introduction of the new system, but that matters not disposed of by then should be transferred to the Dispute Tribunal to be determined in accordance with the pleadings as filed and such further pleadings as may be directed. Furthermore, a decision will need to be taken on whether the United Nations Appeals Tribunal will take over the body of unresolved cases before the existing United Nations Administrative Tribunal in December 2008. An alternative would be for the new Appeals Tribunal and the existing Administrative Tribunal to function in parallel for a prescribed period of time, until such time as all cases arising from the existing system have been properly disposed of. Such policy proposals will require close consultation with interested parties, including the staff, and will be further outlined in the supplementary material requested by the General Assembly for consideration at its sixty-second session.

A. Panel of Counsel

7. Support for the Panel of Counsel would be strengthened as part of the overall efforts to comply with the time limits of the appeals process and to clear the existing backlog of cases.

8. At present, the New York Office has one extrabudgetary Professional post, which provides for a Legal Officer at the P-2 level, with administrative and technical support provided by one General Service (Other level) post from the regular budget. In addition to those two posts, the peacekeeping support account provides general temporary assistance resources (equivalent to a P-4 position).

9. The approximately 100 cases that are currently in the pipeline would require action during the transitional period. A further 375 new cases are anticipated to arise during 2008. Taking into account this workload, the existing level of staffing resources would need to be strengthened through additional resources as follows:

(a) General temporary assistance provisions equivalent to the services of a P-4 position for 6 work-months in 2007 ($81,500) and 12 work-months in 2008 ($162,900);

(b) Related operational costs associated with the above positions for general operating expenses, supplies and equipment for 2007 ($4,700) and for 2008 ($3,100).

10. Therefore, adoption of the above proposals would entail additional resources for support to the Panel of Counsel in the amounts of $86,200 and $166,000 under section 28A, Office of the Under-Secretary-General for Management, of the programme budget for the biennium 2006-2007 and the proposed programme budget for 2008-2009, respectively.

B. Joint Appeals Board and Joint Disciplinary Committee secretariat

Headquarters

11. The secretariat of the Joint Appeals Board and Joint Disciplinary Committee at Headquarters would be strengthened as part of the overall efforts to comply with the time limits of the appeals process and to clear the existing backlog of cases.

12. The secretariat currently has six regular budget posts (2 at the P-5 level, 1 at the P-4 level and 3 General Service (Other level)) and one additional P-3 post funded through extrabudgetary resources. General temporary assistance resources are provided under both the regular budget and the peacekeeping support account towards addressing the flow of cases through a flexible and cost-effective use of resources during peak workload periods.

13. At present, approximately 111 cases and 29 cases are pending at different phases of proceedings of the Joint Appeals Board and the Joint Disciplinary Committee, respectively, and would require action during the transitional period. In view of the large number of pending cases and taking into account the anticipated caseload for 2008 based on trends experienced to date, the existing level of staffing resources would need to be strengthened as follows:

(a) General temporary assistance provisions equivalent to the services of one P-3 and one General Service (Other level) positions each for 6 work-months in 2007 ($103,600) and 12 work-months in 2008 ($194,700);

(b) Related operational costs associated with the above positions for general operating expenses, supplies and equipment for 2007 ($6,600) and for 2008 ($6,200).

14. The adoption of the above proposals would entail additional resources for support to the Headquarters Joint Appeals Board and Joint Disciplinary Committee in the amounts of $110,200 and $200,900 under section 28A, Office of the Under-Secretary-General for Management, of the programme budget for the biennium 2006-2007 and the proposed programme budget for 2008-2009, respectively.

Table 1
Caseload of the United Nations Office at Geneva

	Joint Appeals Board			*Joint Disciplinary Committee*		
Year	*Carried over from prior year*	*New*	*Completed*	*Carried over from prior year*	*New*	*Completed*
2004	35	34	35	3	4	4
2005	33	24	26	18	19	4
2006	33	27	27	13	8	13

15. The average number of appeals, suspensions of action and reviews received and processed by the Joint Appeals Board and Joint Disciplinary Committee of the United Nations Office at Geneva is reflected in the workload statistics in table 1. In 2006, the number of appeals and suspensions of actions filed was equal to the number of cases the unit that services the Joint Appeals Board and Joint Disciplinary Committee was able to dispose of within the staffing complement (2 posts funded from the regular budget and 3 posts funded from extrabudgetary resources), and therefore the backlog did not increase. However, to enable the backlog of cases to be cleared while the unit continues to work on new cases, it would be necessary to provide supplementary resources.

16. In order for the Joint Appeals Board and Joint Disciplinary Committee secretariat in the United Nations Office at Geneva to manage the backlog of cases and process them through the current system, it is proposed that additional resources be made available to the secretariat as follows:

(a) One P-3 position to prepare the caseload, assist the secretariat and perform other functions, as necessary, funded from general temporary assistance for 6 work-months in 2007 ($68,900) and 12 work-months in 2008 ($139,000);

(b) Related operational costs associated with the above positions for general operating expenses, supplies and equipment in 2007 ($10,000) and in 2008 ($4,900).

17. The adoption of the above proposals would entail additional resources for support to the Joint Appeals Board and Joint Disciplinary Committee of the United Nations Office at Geneva in the amounts of $78,900 and $143,900 under section 28E, Administration, Geneva, of the programme budget for the biennium 2006-2007 and the proposed programme budget for 2008-2009, respectively.

C. Administrative Law Unit

Table 2
Caseload of the Administrative Law Unit

		Appeal cases			*Disciplinary cases*		
	Review cases	*Carried over from prior year*	*New*	*Completed*	*Carried over from prior year*	*New*	*Completed*
2006	142	31	68	78	51	72	66
2007	145	21	70	78	57	75	66
2008	145	13	70	83	66	75	141

18. The average number of cases for review and cases received and processed by the Administrative Law Unit is reflected in the table above. In 2006 and 2007, the Unit was generally able to comply with the time limit for the submission of respondents' replies to appeals within its staffing complement (5 posts funded from the regular budget and 3 posts funded from the peacekeeping support account). In addition, resources for general temporary assistance ($90,000 from the regular budget and $200,000 from the peacekeeping support account) have been used to reduce the backlog of respondents' replies to appeals and to decrease the time taken in the processing of disciplinary cases.

19. The transitional measures set out in resolution 61/261 would require that the processing of appeals and disciplinary cases be done in a timely manner. With respect to the time taken to process disciplinary cases, many are not completed in the same year that they are received in the Administrative Law Unit, and approximately 50 disciplinary cases are carried over from one year to the next. In this respect, additional resources would be required by the Unit to ensure that cases received in the latter part of 2007 and in 2008 are completed by 31 December 2008. Transitional measures would also require additional resources in order to respond in writing to all requests for administrative review received during the transition period. Taking into account this workload, the existing level of staffing resources would need to be strengthened through additional resources as follows:

(a) General temporary assistance provisions to reduce the backlog of appeals and disciplinary cases equivalent to the services of one P-4 for 6 work-months in 2007 ($86,000) and 12 work-months in 2008 ($176,000);

(b) General temporary assistance provisions to reduce the backlog of appeals and disciplinary cases equivalent to the services of one P-3 for 6 work-months in 2008 ($72,000);

(c) Related operational costs associated with the above positions for general operating expenses, supplies and equipment for 2007 ($3,700) and for 2008 ($5,000).

20. The adoption of the above proposals would entail additional resources for support to the Administrative Law Unit in the amounts of $89,700 and $253,000 under section 28C, Office of Human Resources Management, of the programme budget for the biennium 2006-2007 and the proposed programme budget for 2008-2009, respectively.

D. Executive Office of the Secretary-General

21. The Office of the Under-Secretary-General for Management presently reviews all reports of the Joint Appeals Boards and makes recommendations to the Under-Secretary-General for Management on the disposal of cases on behalf of the Secretary-General.

22. In its resolution 59/283, the General Assembly decided that measures should be taken to eliminate the appearance of a conflict of interest and, to that end, requested the Secretary-General to proceed with the transfer of responsibility for formulating decisions on appeals from the Office of the Under-Secretary-General for Management to the Executive Office of the Secretary-General. In its resolution 61/261, the General Assembly urged the Secretary-General to continue his efforts to ensure the functioning of the current system of administration of justice prior to implementation of the new system, including through the implementation of resolution 59/283.

23. Accordingly, it is intended that the responsibilities for review of all reports of the Joint Appeals Boards and formulation of decisions on appeals, which are currently performed by a Senior Legal Adviser (a P-5 post funded from the regular budget), and supported by a P-4 and a General Service post funded from the peacekeeping support account, will be transferred from the Office of the Under-Secretary-General for Management to the Executive Office of the Secretary-General with effect from 1 January 2008. This arrangement is also reflected in the proposed programme budget for the biennium 2008-2009.

24. There is currently a backlog of cases for review within the Office of the Under-Secretary-General for Management. It is anticipated that at the time the review function is transferred to the Executive Office of the Secretary-General, the backlog will have increased even further as a result of the additional resources allocated to the Joint Appeals Board secretariat and the Administrative Law Unit to clear their existing backlog of cases as requested by the General Assembly in its resolution 61/261.

25. As such, it is estimated that additional resource requirements in the amount of $167,200 under general temporary assistance for a P-4 position for a period of 12 work-months would be needed for the Executive Office of the Secretary-General to cope with the additional cases received from the Joint Appeals Boards for the duration of 2008. The additional resources would need to be supplemented with the related operational costs associated with the above positions for general operating expenses, supplies and equipment in the amount of $5,900. No additional resources are required for 2007.

E. United Nations Administrative Tribunal secretariat

26. The United Nations Administrative Tribunal is the independent organ responsible for resolving employment-related disputes between United Nations staff and the Organization. It is currently the highest appellate body in the internal system of administration of justice of the Organization and is the only body that issues binding judgements that are final and without appeal. The Tribunal is composed of seven members who hear cases in panels of three, and renders approximately

60 judgements per year. The Tribunal holds 2 five-week sessions a year, one in New York and one in Geneva.

27. Prior to filing an application with the United Nations Administrative Tribunal, a staff member must exhaust all internal remedies, that is, the staff member must first have the case heard by a joint review body, such as the Joint Appeals Board or the Joint Disciplinary Committee.

28. Table 3 reflects the actual number of applications filed, cases disposed of and the outstanding cases to be dealt with in the following year by the United Nations Administrative Tribunal for the period between 2002 and 2006. Projected figures are provided for 2007 onwards.

Table 3
Caseload of the United Nations Administrative Tribunal

	2002	*2003*	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*
Applications filed	45	61	69	71	62	70	100	0
Cases disposed of	70	66	65	62	37	65	135	100
Outgoing balance	98	92	96	105	130	135	100	0

29. For 2007, the assumption is that applications would continue to be filed, and the projected numbers of cases are based on patterns experienced in previous years. The Tribunal has indicated its intention to dispose of its normal workload during its regularly scheduled sessions in the summer and fall. Therefore, no additional resources are being sought for 2007.

30. With respect to 2008, it is estimated that there will be approximately 100 applications filed which would need to be dealt with in 2009. Additional resources may be sought if the resources currently proposed for 2009 are deemed insufficient. It is likely that the number of applications filed in 2008 will exceed statistical averages, as the increase in output by the Joint Appeals Board and Joint Disciplinary Committee will result in increased input at the level of the Administrative Tribunal.

31. Over the past five years, the Tribunal has disposed of an average of 60 cases per year, that is, about 30 cases per session. The members of the Tribunal are currently not remunerated. However, if the members were remunerated for preparing their cases in advance of the session, the number of cases disposed of could be substantially increased. Taking as an example the International Labour Organization (ILO) Tribunal (see the note by the Secretary-General on compensation for officials other than Secretariat officials: members of the United Nations Administrative Tribunal (A/C.5/59/12)), we suggest that each member receive $1,000 per judgement drafted and $250 per judgement signed (2 members need to sign). Accordingly, a five-week session, which currently disposes of approximately 30 cases, could dispose of 50 cases. This would translate to 100 cases during the two sessions scheduled for 2008. With respect to the balance of 35 cases, an additional session of three weeks' duration in New York would suffice. For the proposed programme budget for 2008-2009, the current provision of $1,827,400 (before recosting) would provide for the travel and daily subsistence allowance of the members of the Tribunal to attend 4 five-week sessions, and posts and the

related operational costs associated with the United Nations Administrative Tribunal secretariat.

32. The additional resources required to dispose of the 135 cases on an accelerated basis are as follows:

(a) The cost of a three-week session — travel and daily subsistence allowance of Tribunal members — would amount to $99,000;

(b) Remuneration to the members for 135 cases at $1,500 per case would amount to $202,500.

33. As the members of the Tribunal are not full-time appointees and have other obligations, the scheduling of the additional session would be subject to their availability. However, providing the members with an incentive to complete the large number of additional cases would be cost-effective when compared to the cost of holding three additional sessions (2 five-week ($294,900) and 1 three-week ($99,000)) without remuneration, which would otherwise be required to dispose of the extra 75 cases. Moreover, as it would be very difficult to schedule three extra sessions in addition to the two regular sessions in 2008, it is likely that some cases would be deferred to the following year.

34. Furthermore, in order to manage such a vastly increased workload, the secretariat would need to be strengthened. Currently, the secretariat staffing complement of the Administrative Tribunal comprises four posts (1 P-5, 1 P-3 and 2 General Service (Other level)) and one position at the P-2 level funded from general temporary assistance. In addition to the registry functions, the existing Professional staff now prepares the entire caseload prior to the sessions, acts as counsel to the Tribunal during the sessions and performs all the required editorial functions in English and French before publication of the judgements. In order for the secretariat of the Tribunal to be able to manage the substantial increase in the workload, it is proposed that additional resources be made available to the secretariat for the duration of 2008 as follows:

(a) Five positions (1 P-3, 2 P-2 Legal Officers and 2 General Service (Other level)) to prepare the caseload, assist the Tribunal and perform registry functions, as necessary, funded from general temporary assistance for 12 months ($512,600);

(b) The related operational costs associated with the above positions for general operating expenses, supplies and equipment ($29,500).

35. The success of this ambitious workplan depends on the full cooperation of all parties concerned. The secretariat of the Administrative Tribunal is confident it can fulfil the mandate of the General Assembly to complete the backlog, providing that appropriate resources are allocated. However, it is essential to note that this workplan was discussed only with the President of the Tribunal and requires approval by the Tribunal as a whole in a plenary meeting, the next opportunity for which will be at its forthcoming summer session in Geneva. Accordingly, the Tribunal may decide to submit further comments on the proposed workplan.

F. General Assembly and Economic and Social Council affairs and conference management

36. In response to the General Assembly's request for the implementation of resolution 61/261, the Department for General Assembly and Conference Management will conduct, as a time-bound project with a deadline of 31 December 2008 for issuance of Administrative Tribunal cases in the English and French languages, the editing, translation and text processing services of cases processed by the Tribunal during the period from 1 July 2007 through 31 December 2008. On the basis of past workload statistics, the Department has issued on average 60 cases per year on the basis of services provided when capacity is available. In this regard, in order to ensure completion of the editing, translation and text processing for the projected number of cases in 2007 (65) and 2008 (135) by 31 December 2008, the permanent capacity of the Department would need to be supplemented with non-recurrent temporary assistance resources estimated in the amount of $425,700 for the biennium 2006-2007 and $884,100 for the biennium 2008-2009.

37. Total requirements necessary to clear the backlog of cases in the Administrative Tribunal for the biennium 2006-2007 are $425,700 under section 2, General Assembly and Economic and Social Council affairs and conference management. For the biennium 2008-2009, resource requirements are estimated at $1,727,700 comprising $843,600 under section 1, Overall policymaking, direction and coordination, and $884,100 under section 2, General Assembly and Economic and Social Council affairs and conference management.

IV. Resource requirements for the Office of the Ombudsman arising out of General Assembly resolution 61/261

A. Posts for Geneva, Vienna and Nairobi

38. The Redesign Panel on the United Nations system of administration of justice, established by the Secretary-General pursuant to General Assembly resolution 59/283, recognized that the Office of the Ombudsman holds the most promise as a viable and integrated alternative institution for dispute resolution, recommended the strengthening of the Office through the establishment of five regional branches.

39. In its resolution 61/261, the General Assembly decided to create a single integrated and decentralized office of the Ombudsman for the Secretariat and the United Nations funds and programmes and to establish a Mediation Division in the Office of the Ombudsman at Headquarters.

40. The General Assembly also requested the Secretary-General to identify three posts for the Office of the Ombudsman in Geneva, Vienna and Nairobi. The resource requirements identified in connection with the proposals arising from resolution 61/261 are set forth in paragraph 43 below. Within this context, it should be noted that in the report of the Secretary-General on the revised estimates to the proposed programme budget for the biennium 2006-2007 under sections 1, 8, 28 A, 35 and income section 1 (A/60/303), a request was made for the establishment of three Ombudsman branch offices. Subsequently, in paragraph 8 of its resolution 60/246, the General Assembly requested the Secretary-General to identify available posts to provide for the new posts requested. To date, such efforts have not been successful.

41. In the light of General Assembly resolution 61/261, it is proposed that the three regional Ombudsmen assist the United Nations Ombudsman in carrying out his or her functions as set out in the Secretary-General's bulletin of 15 October 2002 (ST/SGB/2002/12) by providing an independent and neutral forum for the informal resolution of conflicts for United Nations staff members and related personnel in their regional offices. This arrangement would provide timely access for staff to the services of the Office of the Ombudsman. National staff are presently underrepresented for various reasons.

42. The regional Ombudsmen in Geneva, Nairobi and Vienna will provide the services of the Office to staff members of those United Nations Offices. As circumstances dictate, the branch offices will cover staff from existing and emerging peacekeeping missions in the respective regions in addition to serving the new staff constituencies that will emerge from the provision of services to the United Nations Development Programme, United Nations Population Fund, United Nations Children's Fund and United Nations Office for Project Services by the regional Ombudsmen.

43. It is proposed to establish two D-1 posts (1 each in Geneva and Nairobi) and a P-5 post in Vienna to head the respective branch offices, supported by an Administrative Assistant to provide administrative support, with effect from 1 July 2007. The overall resource requirement of $1,501,800 ($223,800 for the biennium 2006-2007 and $1,278,000 for the biennium 2008-2009) would provide for the establishment of the aforementioned six posts and the related operational costs for general operating expenses, supplies and equipment.

B. Mediation

44. The General Assembly, in its resolution 61/261, also decided to formally establish a Mediation Division within the Office of the Ombudsman to provide formal mediation services for the Secretariat, and United Nations funds and programmes. The Division would bring in the existing informal mediation in the Secretariat within the auspices of the Office of the Ombudsman, while also establishing formal mediation as an option available to staff members.

45. As per paragraph 55 of the Report of the Redesign Panel on the United Nations system of administration of justice (A/61/205), the Division would comprise a coordinating mediator at the D-1 level and two full-time senior mediators at the P-5 level. The Chief Mediator will have overall responsibility for the mediation services to be provided by the new division. The Chief Mediator will take overall responsibility for the mediation agreements that are reached by the parties, ensuring true agreement and the adherence to principles and understood best practices of meditation. The two senior mediators, with certified training in that field, will support the Chief Mediator by conducting the mediation and drafting the agreements of the parties. Two Administrative Assistants (General Service (Other level)) will also be required to provide administrative support for the Mediation Division, which will be particularly needed in the start-up phase of the division.

46. The above-mentioned five posts (1 D-1, 2 P-5 and 2 General Service (Other level)) would be established effective 1 July 2007. Resources in the amount of $410,500 would be required for the biennium 2006-2007, with a further $811,000 requested for the biennium 2008-2009 to fund the posts. Additional resources for the

biennium 2008-2009 would be required to provide training in mediation for the staff of the Office ($40,000) as well as the related operational costs associated with the aforementioned positions for general operating expenses, supplies and equipment ($49,000).

V. Resource requirements to facilitate the smooth and timely implementation of the new system

47. The management and structural implications for the full implementation of the new system of internal justice are significant. The key elements are as follows:

(a) The creation of a stand-alone Office for the Administration of Justice, with appropriate staffing, terms of reference and associated bulletins and administrative instructions;

(b) The establishment of a modern registry for the United Nations Disputes Tribunal and the United Nations Appeals Tribunal, along with appropriate staffing and technical requirements, explicit responsibilities, terms of reference, associated bulletins and administrative instructions;

(c) Significant strengthening of the Ombudsman's office, with a broader mandate and set of responsibilities, additional staffing and organizational arrangements and an integrated, yet decentralized, structure;

(d) A renamed and significantly enhanced Panel of Counsel, with additional staffing requirements.

48. In addition, work will be required to amend the Staff Regulations and Rules and to draft the proposed Statutes for the two new Tribunals. Much of the work will be completed from within existing resources within the Office of Human Resources Management and the Office of Legal Affairs. However, for the successful and timely implementation of the new system, it would be essential during the 12 months prior to its introduction (January 2009) that an interim position of Director (for the fledgling Office for the Administration of Justice) be established.

49. The incumbent of the Director post, who would need to be relatively senior, would provide the necessary project leadership and act as principal interlocutor with Member States, senior management and staff on all aspects of the new system. Based on best practice examples in other organizations of comparable size and complexity, this type of change management function is critical when fundamental change is introduced in an organization. Given that this is the first major overhaul in the internal justice system since the inception of the Organization, it is clear that the challenges of moving from the existing system to the new one will be significant. A clear, rigorous implementation strategy, which includes a strong communications, outreach and training component, will be required.

50. The above proposal would require the establishment of three positions (1 D-2, 1 P-3 and 1 General Service (Other level)) to be funded from general temporary assistance in the amount of $451,200 for the duration of 2008. The incumbents of the P-3 and General Service positions would assist and support the Director in achieving the objectives outlined above. In addition, related operational costs associated with the aforementioned positions for general operating expenses, supplies and equipment would need to be provided in the amount of $17,700.

VI. Office of Central Support Services

51. Adoption of the above proposals would entail additional resources under section 28D, Office of Central Support Services, for general operating expenses related to the proposed posts and general temporary assistance positions at New York for the various sections of the budget for: (a) rental and maintenance of premises; and (b) the one-time provision for the alteration of office space, estimated at $108,500 and $587,400 for the bienniums 2006-2007 and 2008-2009, respectively.

52. In addition, there would be requirements under section 28D for the one-time provision for office furniture of $28,700 and $101,700 for the bienniums 2006-2007 and 2008-2009, respectively.

VII. Revised estimates by section of the programme budget for 2006-2007 and the proposed programme budget 2008-2009

53. The requirements proposed in the present report would result in revised estimates relating to the programme budget for the biennium 2006-2007 and the proposed programme budget for 2008-2009 as shown in tables 4 to 8 below:

Table 4
Requirements by section for 2006-2007

	Resources (thousands of United States dollars)			*Posts*		
		as at 1 July 2007			*as at 1 July 2007*	
Component	*2006-2007 revised appropriation*	*Changes in the present report*	*Total*	*2006-2007 revised appropriation*	*Change in the present report*	*Total*
1. Overall policymaking, direction and coordination	77 003.7	634.3	77 638.0	166	11	177
2. General Assembly and Economic and Social Council affairs and conference management	602 512.5	425.7	602 938.2	1 899	—	1 899
28A. Office of the Under-Secretary-General for Management	19 959.1	196.4	20 155.5	50	—	50
28C. Office of Human Resources Management	67 557.4	89.7	67 647.1	175	—	175
28D. Office of Central Support Services	245 408.8	137.2	245 546.0	452	—	452
28E.Administration, Geneva	107 192.8	78.9	107 271.7	301	—	301
35. Staff assessment	436 347.5	305.5	436 653.0	—	—	—
Total	**1 555 981.8**	**1 867.7**	**1 557 849.5**	**3 043**	**11**	**3 054**

Table 5
Requirements by object of expenditure for 2006-2007

	Resources (thousands of United States dollars)			*Posts*		
		as at 1 July 2007			*as at 1 July 2007*	
	2006-2007 revised appropriation	*Changes in the present report*	*Total*	*2006-2007 revised appropriation*	*Change in the present report*	*Total*
Posts	697 914.3	634.3	698 548.6	3 043	11	3 054
Other staff costs	78 515.1	765.7	79 280.8	—	—	—
Non-staff compensation	402.2	—	402.2	—	—	—
Consultants and experts	4 473.0	—	4 473.0	—	—	—
Travel of representatives	7 679.0	—	7 679.0	—	—	—
Travel of staff	5 431.0	—	5 431.0	—	—	—
Contractual services	74 794.0	—	74 794.0	—	—	—
General operating expenses	156 671.6	124.4	156 796.0	—	—	—
Hospitality	513.0	—	513.0	—	—	—
Supplies and materials	16 597.7	1.1	16 598.8	—	—	—
Furniture and equipment	18 730.0	36.7	18 766.7	—	—	—
Grants and contributions	57 913.4	—	57 913.4	—	—	—
Other	436 347.5	305.5	436 653.0	—	—	—
Total	**1 555 981.8**	**1 867.7**	**1 557 849.5**	**3 043**	**11**	**3 054**

Table 6
Requirements by section for 2008-2009

	Resources (thousands of United States dollars)					
Section	*2006-2007 revised appropriation*	*2008-2009 growth (A/62/6)*	*Change in the present report*	*Total before recosting*	*Recosting*	*2008-09 estimate*
1. Overall policymaking, direction and coordination	77 003.7	(4 386.8)	3 663.6	76 280.5	5 053.5	81 334.0
2. General Assembly and Economic and Social Council affairs and conference management	602 512.5	(12 453.5)	884.1	590 943.1	30 820.9	621 764.0
28A. Office of the Under-Secretary-General for Management	19 959.1	(6 876.5)	366.9	13 449.5	771.2	14 220.7
28C. Office of Human Resources Management	67 557.4	4 134.8	253.0	71 945.2	4 634.0	76 579.2
28D. Office of Central Support Services	245 408.8	2 061.7	689.1	248 159.6	17 185.3	265 344.9
28E. Administration, Geneva	107 192.8	186.1	143.9	107 522.8	3 482.8	111 005.6
35. Staff assessment	436 347.5	6 438.3	784.0	443 569.8	19 070.9	462 640.7
Total	**1 555 981.8**	**(10 895.9)**	**6 784.6**	**1 551 870.5**	**81 018.6**	**1 632 889.1**

Table 7
Requirements by object of expenditure for 2008-2009

Object of expenditure	*2006-2007 revised appropriation*	*2008-2009 growth (A/62/6)*	*Change in the present report*	*Total before recosting*	*Recosting*	*2008-09 estimate*
Posts	697 914.3	6 482.4	1 694.1	706 090.8	36 685.2	742 776.0
Other staff costs	78 515.1	(14 674.2)	2 759.7	66 600.6	3 484.5	70 085.1
Non-staff compensation	402.2	—	202.5	604.7	89.0	693.7
Consultants and experts	4 473.0	(3 736.9)	—	736.1	47.7	783.8
Travel of representatives	7 679.0	(219.2)	99.0	7 558.8	966.3	8 525.1
Travel of staff	5 431.0	(47.1)	—	5 383.9	350.2	5 734.1
Contractual services	74 794.0	3 167.3	40.0	78 001.3	5 191.5	83 192.8
General operating expenses	156 671.6	3 536.8	994.8	161 203.2	10 808.1	172 011.3
Hospitality	513.0	(2.0)	—	511.0	32.5	543.5
Supplies and materials	16 597.7	(2 553.9)	22.6	14 066.4	782.6	14 849.0
Furniture and equipment	18 730.0	(5 894.6)	187.9	13 023.3	768.2	13 791.5
Grants and contributions	57 913.4	(3 392.8)	—	54 520.6	2 741.9	57 262.5
Other	436 347.5	6 438.3	784.0	443 569.8	19 070.9	462 640.7
Total	**1 555 981.8**	**(10 895.9)**	**6 784.6**	**1 555 870.5**	**81 018.6**	**1 632 889.1**

Table 8

Summary of expenditures by component and biennium

(Thousands of United States dollars)

	Section 1		*Section 2*		*Section 28A*		*Section 28C*		*Section 28D*		*Section 28E*		*Section 35*		*Total*	
	2006-2007	*2008-2009*	*2006-2007*	*2008-2009*	*2006-2007*	*2008-2009*	*2006-2007*	*2008-2009*	*2006-2007*	*2008-2009*	*2006-2007*	*2008-2009*	*2006-2007*	*2008-2009*	*2006-2007*	*2008-2009*
Backlog clearance		1 016.7	425.7	884.1	196.4	366.9	89.7	253.0	137.2	689.1	78.9	143.9			927.9	3 353.7
Ombudsman's office																
Regional Ombudsmen	223.8	1 278.0													223.8	1 278.0
Mediation Division	410.5	900.0													410.5	900.0
Preparatory work		468.9														468.9
Staff assessment													305.5	784.0	305.5	784.0
Total	**634.3**	**3 663.6**	**425.7**	**884.1**	**196.4**	**366.9**	**89.7**	**253.0**	**137.2**	**689.1**	**78.9**	**143.9**	**305.5**	**784.0**	**1 867.7**	**6 784.6**

VIII. Conclusions and recommendations

54. **The overall resource requirements under the regular budget arising from the implementation of the proposals contained in the present report on revised estimates to implement the provisions of paragraphs 13, 16 and 29-31 of General Assembly resolution 61/261 are estimated at $1,867,700 and $6,784,600 for the bienniums 2006-2007 and 2008-2009, respectively.**

55. **Based on the foregoing, the General Assembly is requested to:**

(a) **Approve the establishment, effective 1 July 2007, of two D-1, one P-5 and three General Service (Other level) posts for the Office of the Ombudsman for Geneva, Nairobi and Vienna and one D-1, two P-5 and two General Service (Other level) posts for the Mediation Division in the Office of the Ombudsman;**

(b) **Authorize the Secretary-General to enter into commitments up to $1,867,700, comprising $634,400 under section 1, Overall policymaking, direction and coordination, $425,700 under section 2, General Assembly and Economic and Social Council affairs and conference management, $196,400 under section 28A, Office of the Under-Secretary-General for Management, $89,700 under section 28C, Office of Human Resources Management, $137,200 under section 28D, Office of Central Support Services, $78,900 under section 28E, Administration Geneva, and $305,500 under section 35, Staff assessment, to be offset by an equivalent amount under income section 1, Income from staff assessment, of the programme budget for the biennium 2006-2007;**

(c) **Request the Secretary-General to report on the actual expenditure in the context of the second performance report for the biennium 2006-2007;**

(d) **Note that the relevant resources for the continuation of the proposals for the biennium 2008-2009, estimated at $6,784,600, comprising $3,663,600 under section 1, Overall policymaking, direction and coordination, $884,100 under section 2, General Assembly and Economic and Social Council affairs and conference management, $366,900 under section 28A, Office of the Under-Secretary-General for Management, $253,000 under section 28C, Office of Human Resources Management, $689,100 under section 28D, Office of Central Support Services, $143,900 under section 28E, Administration Geneva, and $784,000 under section 35, Staff assessment, to be offset by an equivalent amount under income section 1, Income from staff assessment, would be incorporated in the initial appropriation at the time of the adoption of the programme budget for the biennium 2008-2009 in December 2007.**

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Agenda item 16
The situation in Afghanistan

Security Council
Sixty-second year

Letter dated 1 February 2007 from the Permanent Representative of Liechtenstein to the United Nations addressed to the Secretary-General

I have the honour to transmit the summary of an international colloquium of high-level representatives and experts on the theme "Creating stability and prosperity in Afghanistan and the region", held in Vienna from 26 to 29 October 2006 (see annex). The meeting was organized by the Liechtenstein Institute on Self-Determination at Princeton University's Woodrow Wilson School of Public and International Affairs.

I should be grateful if the present letter and its annex could be published as a document of the General Assembly, under agenda item 16 and the Security Council.

(*Signed*) Christian **Wenaweser**
Ambassador
Permanent Representative

07-33120 (E) 160507

Annex to the letter dated 1 February 2007 from the Permanent Representative of Liechtenstein to the United Nations addressed to the Secretary-General

Creating security and stability in Afghanistan and the region

Summary report: Liechtenstein Institute on Self-Determination

The Liechtenstein Institute on Self-Determination (LISD) at Princeton University's Woodrow Wilson School of Public and International Affairs convened the colloquium, "Creating Stability and Prosperity in Afghanistan and the Region," on 26-29 October 2006 in Vienna, Austria. This was the eighth LISD-sponsored colloquium on Afghanistan since 2001 and was the inaugural meeting of a two-year project, "State Security, and Prosperity: Afghanistan, its Neighbors and the Region," being undertaken by LISD and funded in part by the Carnegie Corporation of New York.

Participants outlined critical issues currently facing Afghanistan in terms of the state's security, rule of law, mobilization of the economy, and trans-border issues such as infrastructure and energy. More than fifty leading experts participated from the U.S., E.U., and the region representing academia, the diplomatic community, governments, and the private-sector active in the region. The colloquium was opened by H.S.H. Prince Hans Adam II of Liechtenstein, and was chaired by LISD director, Wolfgang Danspeckgruber.

BACKGROUND AND CURRENT CHALLENGES

The government of Afghanistan, the Afghan peop'.. and the international community are at a critical threshold. The security situation in Afghanistan deteriorated sharply during the summer of 2006, marked by increased fighting between the Taliban and NATO, suicide bombings, and the use of improvised explosive devices (IEDs). There was a decline in security incidents in the weeks following the conclusion of NATO's Fall 2006 Operation Medusa in Kandahar province and with the onset of winter. However, consensus opinion maintains that this lull in insurgent activity will be short lived. Internal and external factors widely recognized to be fueling the insurgency and obstructing the successful prosecution of key reform processes – such as the disbandment of illegal armed groups – must now be effectively addressed in order to prevent Afghanistan from drifting into an abyss toward which many Afghans and the international community increasingly fear that the country is headed.

The security and stability of Afghanistan has become the international community's litmus test in a post-9/11 environment, but one that has largely been overshadowed by the situation in Iraq. As a historic first for a NATO "out of area" operation, the international community, particularly the U.S. and the E.U. has far more at stake in Afghanistan than just the country's fate and success in state-building. Success in Afghanistan is critical for any future hopes of a globally engaged and active NATO presence for reconstruction and stability.

Five years after the Bonn Agreement an increasingly bleak perception of the future clouds the hopes of Afghans and international observers. Common views in Afghanistan hold that the international community will ultimately decide to reduce its presence and involvement in Afghanistan. This is a fear supported by mounting discussions of a U.S. withdrawal from Iraq and the belief that deals have already been made between Pakistan and the Taliban. Although these views have not been validated by any explicit international actions and have repeatedly been countered by U.S. statements, they continue to cause concern. In addition, nascent international donor fatigue is a real factor. This fatigue is fueled by limited progress in the broader state-building agenda, as well as the dominant culture of corruption within important sectors of the Afghan government, a resurgence of Taliban activity, and the spread of poppy production and narco-trafficking.

Lack of capacity at all levels of government and limited absorptive capacity make clear that Afghanistan needs time to develop, but the Afghan government too often demonstrates insufficient political will and leadership over

fundamental political issues linked to a reform agenda. A culture of impunity remains the norm, with Afghans widely perceiving the police as corrupt and judicial systems as unresponsive. In spite of some recent positive changes, the thorny problem of reforming the Interior Ministry, on which police reform depends, is only now being addressed while progress toward establishing the rule of law and reforming the judiciary proceeds at a generally slow pace. Moves by the Afghan government and the international community to implement meaningful assistance and reforms have been insufficient and uncoordinated.

There is particular concern about the recent dramatic increase of Taliban activity and the heavy fighting between the Taliban and NATO since July 2006. The Taliban increasingly utilizes local perceptions of state failure and proffers swift remedies based on harsh forms of "social justice." Insurgent attacks have been accompanied by a growth in the use of IEDs, a tactic not utilized in Afghanistan prior to its widespread use in Iraq. Suicide bombings in Afghanistan have increased from one in 2001 to five in 2003 to nearly 100 in 2006. NATO-Taliban fighting has resulted in a high death toll of more than 4,000 Afghans combined with approximately 120 casualties among NATO troops. It is widely anticipated that the dramatic increase in insurgent activity seen during 2006 will begin again on an intensified scale during the Spring of 2007. Anticipated military operations and civilian casualties will come at a heavy humanitarian cost to the Afghan people and at a political cost to the Afghan government and the international community.

Afghanistan has furthermore become the world's largest poppy producer with current levels of poppy production at the highest rate in the country's history. Drug production is a threat to the stability of the fragile Afghan state and fuels insurgent activities. In spite of international efforts toward poppy eradication, opium cultivation in Afghanistan increased by 59% in 2006 alone. There are additional fears that this increase in drug production is contributing to increased drug use in Afghanistan and the region, raising concern that the country's weak social and medical services will be unable to contain increasing narcotics usage and the associated risk of HIV/AIDS.

The regional compact seems to be broken, as evidenced by the strained relationship between Presidents Karzai and Musharraf, and requires immediate attention in order to create new arrangements and a working regional process. The relationship between Kabul and Islamabad is seriously deteriorating and regional moves by the U.S. place added strain on the already tenuous relationship. The new U.S. approach to bilateral relations with India, including the nuclear agreement, as well as India's increasing activity in assisting Afghan development, causes concern for Pakistan and has altered the regional status quo. Newly intensified Indian-Iranian energy relations contribute to Pakistan's perception of its geopolitical encirclement. For Pakistan vis-à-vis India, this brings Kabul back into a "strategic hinterland" while encouraging reliance on limited nuclear deterrence. Pakistan's deals in the border areas have raised questions about Pakistan's commitment to the war on terror although President Musharraf continues to assure his country's commitment. It furthermore appears that much of the regrouping and replenishment of the Taliban, as well as a revitalization of al-Qaeda, takes place in neighboring Pakistan.

Trepidations about possible future U.S. and/or Israeli military operations in Iran – Afghanistan's western neighbor – only aggravates the situation further. Predictions that the U.S. may reduce its military presence in Afghanistan, turning over regional responsibilities to NATO forces – regional responsibilities which do not evoke the same confidence among locals – cause general concern for Afghanistan's medium-term security.

RECOMMENDATIONS

It is imperative to recognize that committing additional resources will not by itself create a positive trajectory for Afghanistan. Only a unified strategy based on Afghan realities will be capable of restoring hope and confidence among Afghans that their government and its international partners are moving in a direction that will lead toward security, stability, and prosperity. This requires combined coherent action from the Afghan government and the international community in addressing the sources rather than the symptoms of the deepening political and security crisis. The following recommendations focus on four critical areas: security issues and the Taliban; the rule of law and governance; economy, infrastructure, and international donor policy; and a new regional compact.

Security Issues and the Taliban

Restoring Afghan confidence in the political process is now of the utmost urgency. The growing success of the Taliban in the east and south of Afghanistan is tied to public perceptions of the lack of Afghan government capacity to be responsive to the needs of the people and a guarantor of human security. This perception derives from daily experiences with corruption in the police, local administration, and the courts; the utilization by the Taliban of inter-tribal rivalries; activities of local officials and organized criminal syndicates who control the narcotics trade; and an overall lack of delivery by the government of basic services including food, healthcare, water, power, and road access. International donors have been largely unable to provide any significant degree of assistance to people in unsafe and unstable areas giving veracity to the statement made by General Karl Eikenberry, Commander of the Combined Forces Command – Afghanistan, that "where the street ends, the Taliban begins."

To counter Taliban influence, the Afghan government with international community support should reform the security and governance apparatus at the local levels and refocus the security discussion to include human security. Afghan ownership of these changes and initiatives is essential and should be buttressed by ongoing international support and engagement in Afghanistan. This must be done to counter the viewpoint among the international community that it should limit its activities in Afghanistan given that so much has been done to assist the country but with little avail. The international community must agree on an overarching, security sector reform strategy in which an integrated approach is central at the strategic level and strong international support exists at the tactical level.

Moreover, the Afghan government in concert with the international community should create a public information strategy that can positively shape the perceptions of local people. Media surveys indicate that Afghans place the most trust in the BBC Pashto and Persian services and Voice of America broadcasts. NATO/ISAF plans to expand transmission country-wide in 2007 neglects the understandable Afghan perception that ISAF broadcasts are biased and therefore untrustworthy. As with other reform initiatives, Afghan agency is paramount. An effective information campaign can only be conducted if and when professionally qualified Afghans are in the driving seat with effective support from international media organizations. A new media strategy focused on providing timely, objective, and neutral news is critical to support broader reform efforts.

Because Afghans fear that the international community will abandon them – a justifiable perception given Afghanistan's history – public outreach initiatives must move beyond winning their "hearts and minds" to include their perceptions of the international community's commitment and staying power. The perception of Afghanistan in the West is also vitally important especially since recent western media coverage about Afghanistan has become increasingly negative, sensational, and focused on the deteriorating security situation. There is a growing perception, due in large part to the increase in suicide bombings and the ferocity of fighting in the south, that Afghanistan and Iraq are linked as a singular disaster. The backgrounds, and current political and strategic situations in Afghanistan and Iraq are very different indeed and this viewpoint is incorrect and counterproductive.

Short-Term Initiatives

Police and Government Reform

• Bolster Afghan confidence in the government through the replacement of corrupt governors and police chiefs with honest individuals at provincial and district levels in large numbers, to indicate clearly that the government has turned a new page. Arresting known leaders of criminal groups, especially those involved in narcotics smuggling who are or closely linked to the government, will also assist in establishing the integrity of the central government.

• Exert sustained international pressure if the government fails to remove the 12 chiefs of police recommended for dismissal by the Police Probation Board, established after anomalies were introduced into Tier 2 of the

Afghan National Police Pay and Rank Reform process. Those identified for dismissal by the Board should not be "recycled" elsewhere by the government.

• Use conditionalities, especially related to international donor aid, to make reform of the Interior Ministry and meaningful police reform a priority for the Afghan government. These should especially focus on incentives related to the reform of the police and taking strong action against known criminals within the government.

• Boost the E.U.'s engagement in police training and mentoring in the provinces. This is dependent on an E.U. member-state commitment to Interior Ministry reform and at least a doubling of the number of police mentors and trainers sent beyond Kabul.

• Focus international support on ensuring that the Auxiliary Police operate within the framework of the rule of law while broader reforms within the Interior Ministry take place.

• Increase salaries for "hot spot" assignments within the police force, including a shift to a transparent and comprehensive approach for incentivized payments.

• Enlarge recruitment efforts and the visibility of women police officers as part of an overall effort to bolster the popular perception of the integrity of the police force. It must be noted however that Afghans widely assume that female police officers are themselves morally corrupt (i.e. prostitutes), and that an increase in the number of policewomen likely will not in and of itself create a positive perception of the police force.

• Incentivize training and leadership by providing higher salaries upon completion and in increasing oversight of the use of police assets, for instance police cars, for "second jobs."

Information Dissemination

• Facilitate the development of a local media capable of engendering people's trust and confidence through its professionalism and objectivity.

• Accelerate the development of a national public service broadcaster via the reform of the state-owned Radio and Television Afghanistan.

• Promote a wide-scale information campaign through an Afghan Public Broadcasting System. Broadcast messages should include assurance that the international community will remain in Afghanistan and stories of success and progress within Afghanistan.

• Inform press in the West about progress being made and positive stories to be told. Focus should include separating international perception of Afghanistan from that of events in Iraq.

• Support broader democratic rights by protecting the rights of the media. This is especially important because freedom of expression is under grave threat as conservative elements in government encourage parliamentarians to strip the draft Mass Media Law of key provisions designed to protect the independence of the media. The media law will come before parliament after 20 January 2007, following the next recess. Lobbying parliamentarians to support the unadulterated version of the law is crucial to protecting the emerging democratic process.

Mid- to Long-Term Initiatives

Police and Government Reform

• Focus police reform on training, leadership, rank, and dramatic salary reform, including increased political support for the actions.

• Overhaul international assistance to the police sector, building on the sound foundations laid by the German Police Project and responding to the new challenges.

• Develop new strategies to address the corrosive effect of narcotics and counter-narcotics on the Afghan National Police.

• Create a new strategy for salary distribution oversight, and incentives related to low salaries.

• Structure international assistance to the police, including Auxiliary Police, to support them adequately in both their long-term civilian policing and short-term paramilitary roles.

• Develop welfare mechanisms for the families of Afghan National Security Force personnel, which is particularly needed since often they come from remote areas.

Information Dissemination

• Reverse the international community's current funding strategy and provide increased support for the development of a professional and independent media sector fundamental to the functioning of any democratic process and essential for the holding of future elections.

• Direct more focus on successes and spell-out the cost of failures to the Afghan people. Simply portraying the "glass as half empty" is not constructive. Emphasis should be placed on how to fill the glass up.

• Prioritize the message to Afghans that the U.S. and the international community at large will remain in the country and the region for the long term.

The Rule of Law and Governance

The Afghan government should pursue immediate and cost-effective changes to strengthen the rule of law and rebuild public confidence in the government. The Afghan government must address the closely linked issues of ineffective rule of law, poor governance, and corruption that threaten to undermine the fragile democracy. A stronger judiciary is critical to gain the popular support and public confidence that are fundamental to short-term success and long-term sustainable elected government. Other major challenges include weak government institutions, limited government presence in the regions, and frustration with government officials in areas where the Afghan government does exercise authority.

Government of Afghanistan Initiatives

• Reform the Interior Ministry to reduce corruption and enhance efficiency.

• Replace corrupt mullahs and judges whose presence in government compromises public confidence.

• Improve conditions for incarcerated prisoners to respect the rights of the accused.

• Develop an official hiring policy and institute systematic reviews to fill local level government positions.

• Develop stronger relationships between formal and informal justice systems.

• Link resources to results in law enforcement in order to incentivize progress, particularly in the provinces.

• Establish electoral legitimacy at the provincial level through local elections.

• Improve evidence collection in current operations, proceeding with indictments following military actions.

International Community Initiatives

• Pressure the Afghan government to ensure more equitable ethnic representation in power, as a trust building measure.

• Encourage the government to formalize civil service positions and regularize appointments.

• Provide governors with terms of reference that include a job description, so that officials understand that they will be evaluated and held accountable for their work.

• Institute a longer rotation period and work to ensure continuity and unity of effort within the Police Mentoring Program. Nations that contribute to the program should work to formalize a multi-year plan for police that acknowledges how the international community will fill the gaps in the short term (six months), medium term (two to three years) and long term (four years and beyond).

Economy, Infrastructure, and International Donor Policy

The Afghan government and the international community should focus on basic infrastructure development, including power and water development and delivery, and the construction of national and regional road and rail corridors. The government of Afghanistan, in concert with the international community, must also work to improve the business climate within Afghanistan by targeting key immediate projects to enhance Afghan ownership, drive investment in Afghanistan, and use Afghan goods while laying out resources for longer-term development of skills and structures for growth. International donors should give the Afghan leadership greater responsibility for setting development priorities and funnel a greater portion of assistance to the government budget. Donors should include Afghanistan in donor budgeting for the 2007 financial year, despite current questions of Afghan aid absorptive capacity.

Short-Term Initiatives

• Develop a market strategy to attract new industry investments, provide alternative opportunities to poppy production, and better position Afghan products to substitute imports from China, India, and Russia wherever possible.

• Publicize Afghan products that can attract foreign investors and disseminate foreign investment success stories.

• Encourage small-project and/or village-level investment.

• Develop mechanisms for aid absorption by targeting the labor market. This could include the development of skilled-labor agreements and programs to reduce the contentious competition for a limited pool of qualified workers; the creation of incentives to bring women into the workforce; increasing U.S. Peace Corps involvement at the grassroots level, with a staffing primarily of seasoned Peace Corps volunteers; and the development of educational initiatives such as regional scholarship opportunities for Afghan university students and vocational training in the wider curriculum.

Mid- to Long-Term Initiatives

• Develop a structure for the distribution of resources/financial gains arising out of natural resource development (e.g. designing a credit scheme for farmers).

• Focus on the development of water infrastructure that can bring about manufacturing opportunities, such as in paper production, that can afterwards be fed by rain water.

• Open up "silk road" routes and focus on developing industries that would spur domestic consumption, such as the cement industry which figures so strongly in reconstruction.

• Encourage and plan an Afghan rail-link system, both in the form of a domestic ring-railroad linking the major cities of Kabul, Mazar, Herat, and Kandahar, and in a star-form railroad connecting to the neighbor states. This will provide both for an internal, virtually weatherproof infrastructure to transport mass and heavy goods and for new, profit-enhancing links through Afghanistan from west to east (Iran to India) and north to south (former Soviet Union territories to Baluchistan).

• Create a recognizable trademark such as "Silk Road Made" that would identify high quality products from Afghanistan and the region.

• Create the position within the government of an economic "tsar" with power above the bureaucratic structure to facilitate development and foreign investment and that can overcome local-level obstacles.

• Develop Afghan capacity to review foreign investment tenders for projects, rather than having them only reviewed by the Asian Development Bank and other international institutions. The Afghanistan Investment Support Agency (AISA) would be a good model.

A New Regional Compact

Afghanistan's internal and economic stability cannot be isolated from the political and economic tensions and power struggles across the region. Afghanistan's future rests on the region's ability to forge a new compact that neutralizes regional and great power rivalries in the region. The new regional compact envisages a security mechanism that would provide an institutional security structure to work toward a common understanding of regional tensions and challenges. It would also form a mechanism to increase Islamic state engagement in the region and commitment to Afghanistan's viable future. It is dangerous and ill advised – particularly in view of the overall international attention on Iraq and increasingly on Iran – not to address the situation in Afghanistan and the region. The strategic lynchpin is provided by Iran, since both Iraq and Afghanistan are its immediate neighbors and developments in one tend to influence the situation in the others. Any further degeneration in the U.S.-Iran relationship will have destructive effects on Afghanistan.

To achieve the new regional compact, the U.S. and E.U. cannot approach bilateral relations with Afghanistan without a consistent and comprehensive regional policy that ties their Afghan relations to those with India, Iran, and Pakistan, and more broadly with Russia and China. The international community cannot be perceived as disengaging from Afghanistan, and part of this is the adoption of a regional strategy.

Short-Term Initiatives

• Stop the great power rivalries being played out in Afghanistan by stressing Afghan sovereignty and declaring Afghan neutrality in the region.

• Institute a Regional Security Compact and processes to lessen the influence of regional tensions on Afghanistan and to allow the region to identify and work to address current challenges while also targeting the increased involvement of regional Islamic states (i.e. U.A.E approach).

• Utilize this Compact to focus on the relationship between Afghanistan and its neighbors, particularly with Pakistan, Iran, Tajikistan, Uzbekistan, and China.

• Address the Pakistan-Afghan border delineation through the Tripartite group, developing options within a joint commission, and presenting options to each Parliament.

Mid- to Long-Term Initiatives

• Prioritize economic integration as the primary tool in the fight for regional security and to soften the influence of Indian-Pakistan relations on Afghanistan and the region.

• Use the South Asia Association for Regional Cooperation and the Economic Cooperation Trade Agreement to address regional concerns, such as land transit between India and Afghanistan through Pakistan ,and regional trade agreements and ways to empower Afghanistan in a South Asia Free Trade Area. Islamic countries of South East Asia can foster closer engagement with a view to increasing the Asia Cooperation Dialogue's work in Afghanistan.

• Open new cooperative economic arrangements, such as a Reconstruction Opportunity Zone, with Pakistan and other regional players to improve relations including support to the power purchase and gas pipeline projects, railway connection, and agreements related to Afghanistan's rivers.

International Community Priorities for Regional Policy

• Mobilize the U.S., E.U., and Russia to take a strong role in mediating the Regional Compact, placing focus on a consistent international message and a regional approach which recognizes the effects of bilateral changes in relationships with India and Iran.

• Encourage the U.S. and Iran to engage and collaborate on Afghanistan as an opportunity for cooperation and common ground amid the tensions between the two countries.

• Increase awareness in the U.S. and Europe of explicit linkages between actions in and sanctuary from Pakistan facilitating Taliban activities in Afghanistan and support stronger steps to relieve pressure on the fight against terrorism in Afghanistan. This should include regular cross-border reports to spread information.

• Reinvigorate a unity of purpose among international donors and actors in Afghanistan – led by the U.S., E.U., and U.N. – with a view to donor coordination. This should include renewed support for donor coordination bodies to decide on priorities, and identifying and addressing gaps in assistance.

Conference participants included: Christoph Alexander, Deputy Senior Representative of the U.N. Secretary General; Ambassador Munir Akram, Permanent Representative of Pakistan to the U.N., New York; Lt. General Karl Eikenberry, Commander, Combined Forced Command – Afghanistan; Daan Everts, NATO Senior Civilian Representative to Afghanistan; Ambassador Robert Finn, Senior Research Associate, LISD; Joschka Fischer, Senior Fellow, LISD and Visiting Professor Woodrow Wilson School; Ambassador Robert Hutchings, Woodrow Wilson School Diplomat in Residence, former Director, National Intelligence Council, Washington, D.C.; Ali Jalali, former Interior Minister of Afghanistan; Ambassador Said Tayeb Jawad, Ambassador of Afghanistan to the U.S.; Thomas Koenigs, Special Representative of the U.N. Secretary General for Afghanistan; Fawzia Koofi,

Deputy Speaker of Parliament, Afghanistan; Mahmoud Saikal, former Deputy Foreign Minister of Afghanistan; M. Masoom Stanekzai, Senior Advisor to H. E. the President of the Islamic Republic of Afghanistan; Barbara Stapleton, Political Advisor, Office of the Special Representative of the E.U. for Afghanistan; J. Alexander Thier, Senior Rule of Law Advisor, United States Institute of Peace; Amb. Francesc Vendrell, E.U. Special Representative to Afghanistan; Andrew Wilder, former Director, Afghanistan Research and Evaluation Unit, Kabul.

Additional information about the colloquium, including the conference program and full participant list, is available online at: www.princeton.edu/lisd/projects/afghan_region/afghan_region.html.

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Elections to fill vacancies in subsidiary organs and other elections: election of fourteen members of the Human Rights Council

Note verbale dated 3 May 2007 from the Permanent Mission of Madagascar to the United Nations addressed to the President of the General Assembly

The Permanent Mission of Madagascar to the United Nations presents its compliments to the President of the sixty-first session of the General Assembly and with reference to its own note verbale, dated 9 April 2007, regarding its candidature to the Human Rights Council for the term 2007-2010 during the elections to be held in New York on 17 May 2007, has the honour to forward herewith Madagascar's pledge in accordance with General Assembly resolution 60/251 of 15 March 2006 (see annex).

The President of the General Assembly would kindly find attached both the French and English versions of the above-mentioned pledge.

07-33141 (E) 100507 090507

Annex to the note verbale dated 3 May 2007 from the Permanent Mission of Madagascar to the United Nations addressed to the President of the General Assembly

Voluntary pledge of the Republic of Madagascar in conformity with General Assembly resolution 60/251

[Original: French]

Since its accession to independence, Madagascar has played an active role in the promotion and defence of human rights at the national, regional and international levels. From the perspective of development and in accordance with Pledge No. 1 in the Madagascar Action Plan (MAP), Madagascar firmly believes that greater consideration and respect should be shown for fundamental human rights. Indeed, the Malagasy Constitution recognizes these rights for all the people of Madagascar without any discrimination.

The country's accession to the various international human rights instruments is evidence of its commitment to the protection of human rights.

I. Madagascar's support for the promotion and defence of human rights at the national, regional and international levels

(a) National level

Democracy is the foundation of the Republic of Madagascar. The general principles laid down in article 8 of its Constitution expressly provide that "All Malagasy nationals have equal rights under the law and enjoy the same fundamental freedoms protected by the law, without discrimination on the grounds of gender, level of education, wealth, origin, race, religious belief or opinion".

– Institutional

The National Human Rights Commission (CNDH) was established on 18 December 1996 to promote greater awareness among citizens of their rights and obligations.

The CNDH seeks to ensure that the fundamental rights and freedoms of persons, as enshrined in the Constitution, are respected. It provides human rights education and training, receives complaints and gives advice about the procedures to be followed by complainants, whether individuals or groups.

Madagascar also has an Office of the Ombudsman, which was established in 1992 to defend the rights of individuals who are in conflict with institutions. The main functions of the Office are to receive complaints about relations between the public and the administration from territorial public authorities, public institutions and any other public service.

The Ombudsman submits an annual report on his activities to the President of the Republic, the Parliament and the Prime Minister. The report is published in the Official Gazette of the Republic.

– *Protection of human rights*

The Constitution of Madagascar recognizes the right of every child to schooling and education under the responsibility of the parents and while respecting their freedom of choice.

As part of its efforts to develop an effective system for the education of minors, the Ministry of Education and Scientific Research has focused on the broad dissemination of its Education for All policy. To this end, the Government has eliminated tuition fees in public schools and distributed school supply kits to assist parents sending their children to school.

Madagascar strongly believes that children who have benefited from schooling will be the citizens of tomorrow and will be aware of their rights and duties.

The aim of the Education for Citizenship and Civic-mindedness (ECC) campaign is to make children more aware of their rights and thereby enable them to better protect themselves.

Outside of the formal educational system, inter-ministerial programmes have been launched for the protection of children: suppression of child employment and the worst forms of child labour and combating human slavery and trafficking in people.

The Government of Madagascar has drawn up a national action plan on gender and development (PANAGED) for the period 2004-2008 whose objective is to help remove or at least reduce obstacles and constraints to the promotion of equitable and sustainable gender relations and to support the effective and meaningful participation of women in civic and political life.

In order to help citizens better understand their rights, the Government has established through the Ministry of Justice a special office for disseminating information about the law and for educating the public.

Madagascar is currently working to incorporate into its national legislation those human rights conventions and protocols to which it is party.

(b) Regional level

Madagascar has been a party to the African Charter on Human and Peoples' Rights since 1991. The Charter is an integral part of the positive law of Madagascar.

The relevant report is in the final stages of preparation and will be submitted shortly to the Secretariat of the African Union Commission.

Madagascar also signed in February 2004 the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and will shortly ratify it.

The African Charter on the Rights and Welfare of the Child was ratified in 2005. Madagascar is currently represented on the African Committee of Experts on the Rights and Welfare of the Child.

(c) International level

Having regard to its geopolitical situation and its active participation in the community of nations, Madagascar attaches particular importance to cooperation,

both bilateral and multilateral, in the promotion of human rights and fundamental freedoms.

Madagascar has always supported the measures adopted by the United Nations to defend human rights and has ratified many of the most important international instruments, including:

- The International Convention on the Elimination of All Forms of Racial Discrimination (New York, 5 March 1966);
- The International Covenant on Economic, Social and Cultural Rights (New York, 16 December 1966);
- The International Covenant on Civil and Political Rights (New York, 16 December 1966);
- The Convention on the Elimination of All Forms of Discrimination against Women (New York, 18 December 1979);
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (New York, 10 December 1984);
- The Convention on the Rights of the Child (New York, 20 November 1989);
- The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (New York, 25 May 2000);
- The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (New York, 25 May 2000);
- The International Convention for the Suppression of the Traffic in Women and Children, concluded in Geneva on 30 September 1921, as amended by the Protocol signed at Lake Success (New York, 12 November 1947);
- ILO Conventions Nos. 138 and 182 on the minimum age for admission to employment and on the worst forms of child labour, respectively.

Madagascar submits periodic reports to the various committees charged with the review and implementation of international human rights treaties.

II. Future commitments in the field of human rights

By deciding to present its candidacy to the Human Rights Council, Madagascar is seeking to strengthen its commitment and to make an active contribution to the defence of human rights in this new organ of the United Nations.

In accordance with resolution 60/251, by which the General Assembly established the Human Rights Council, Madagascar pledges to:

- Continue to promote democracy, good governance and the rule of law as the foundations for the promotion of human rights for its population and national institutions;
- Work harder to ensure the effective enjoyment of human rights and respect for and the protection of fundamental freedoms;

- Cooperate actively with governments and with national, regional and multilateral human rights organizations;
- Support international efforts aimed at increasing dialogue and understanding across cultures and civilizations as a means of promoting universal respect for human rights;
- Contribute effectively to strengthening the measures adopted by the United Nations, and more specifically within the Human Rights Council, with due respect for the principles of universality, objectivity and non-selectivity;
- Comply with the international system of periodic review;
- Work tirelessly to strengthen the credibility of the Human Rights Council.

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Programme budget for the biennium 2006-2007

Letter dated 3 May 2007 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter addressed to the Secretary-General that contains the Syrian remarks on the logical framework of the Special Envoy of the Secretary-General for the implementation of Security Council resolution 1559 (2004) under agenda item 117 (see annex).

I would greatly appreciate it if these remarks were to be taken into consideration and the present letter and its annex circulated as a document of the General Assembly under agenda item 117.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

07-33173 (E) 110507 110507

Annex to the letter dated 3 May 2007 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

[Original: Arabic]

On the basis of General Assembly resolution 61/252 of 22 December 2006, which refers in section VII, paragraph 7, to the concerns expressed by Member States about the lack of consistency between the logical frameworks for special political missions and the legislative mandates of the General Assembly and the Security Council;

On the instructions of my Government, and in the context of the review by the Secretariat of the logical frameworks for all the programmatic aspects and resource requirements of all the special political missions, and reaffirming the concerns expressed by the delegation of the Syrian Arab Republic during the discussion of the logical framework for the budget for the Secretary-General's Special Envoy for the implementation of Security Council resolution 1559 (2004) mentioned in document A/61/525/Add.1, which contains the report of the Secretary-General on estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council;

I wish to bring to your attention the observations of the Syrian Arab Republic concerning the logical framework for that mission, which is proposed for review, in order to assist the Secretariat to avoid the errors that were made in the preparation of the above-mentioned document:

1. The logical framework for that mission, proposed for review, expands the mandate of the Special Envoy of the Secretary-General for the implementation of Security Council resolution 1559 (2004) to include elements of the provisions of Security Council resolution 1701 (2006); such an expansion leads not only to the duplication of work in the United Nations Secretariat — as another Special Envoy of the Secretary-General concerned with implementation of resolution 1701 (2006) has been appointed — but also to the interpretation of resolution 1701 (2006) outside its context and principal substance, which is the cessation of the Israeli aggression against Lebanon.

2. The logical framework, proposed for review, for some indicators of achievement goes beyond the role of the Secretariat in that it is contrary to the commitments set forth in the Charter of the United Nations, particularly Article 2, paragraph 7, which prohibits any intervention by the United Nations in matters which are within the domestic jurisdiction of any State. The issues of diplomatic relations and the delineation of borders between the Syrian Arab Republic and Lebanon, which are mentioned in the logical framework proposed for review, are bilateral matters bearing on national sovereignty and are to be resolved by agreement between the Syrian and Lebanese Governments. They thus fall outside the framework of resolution 1559 (2004) and outside the mandate of the Secretary-General's Special Envoy for the implementation of Security Council resolution 1559 (2004).

3. It is difficult to understand why the logical framework, proposed for review, should ignore Israel's ongoing occupation of parts of southern Lebanon, its continued breaches of Lebanese airspace, and its threat to United Nations forces in

southern Lebanon, despite the fact that they all constitute a threat to, and a genuine violation of, Lebanon's sovereignty, independence and territorial integrity and are therefore an ongoing violation by Israel of resolution 1559 (2004). The logical framework, proposed for review, also disregards the undercover activities of Israel in Lebanon, indications of which were discovered by the Lebanese Republic through the dismantling by its security forces of a number of networks that were working on behalf of the Israeli Mossad and were responsible for explosions and assassinations in Lebanon.

4. The presentation of expected accomplishments and indicators of achievement in the logical framework, proposed for review, and the linkage between them, are not in accordance with the arrangements and principles governing programme planning, the preparation of the programme budget, the monitoring of implementation and the methods of evaluation. Nor do they measure the performance of the Secretariat in implementing the programme, but rather the performance of individual States. This is at variance with resolution 55/231. We therefore emphasize resolution 61/252, section VII, paragraph 8, in which the General Assembly requested the Secretary-General to present his future budget proposals in full compliance with its resolution 55/231. In this context, we stress what was affirmed by the General Assembly to the effect that paragraph 9 of resolution 55/231 must be complied with and that the expected accomplishments and indicators of achievement must measure the performance of the Organization in programme implementation and not the programmes of individual States.

5. We emphasize the decision of the General Assembly to the effect that the purpose of the review of the logical framework must be to ensure that programmatic aspects and resource requirements are in conformity with the relevant legislative mandates.

6. In conclusion, the Syrian Arab Republic states that, by withdrawing its military forces and the related security installations, it has implemented all the obligations incumbent on it under resolution 1559 (2004).

The Syrian Arab Republic expects the United Nations Secretariat, in reviewing the logical framework for the budget of the Secretary-General's Special Envoy for the implementation of Security Council resolution 1559 (2004), to implement faithfully the mandate defined by the General Assembly and to treat the above concerns with the required seriousness by amending the logical framework in an objective and non-selective manner so as to ensure its conformity with the provisions and requirements of resolution 1559 (2004).